

AGENDA
BOARD OF ADJUSTMENT
TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY
CONFERENCE & REGULAR MEETING
JUNE 11, 2015 7:30 pm

NOTE: Meeting is being held in conformance with all regulations of the SUNSHINE LAW and proper notice has been given to the Courier; also, the Agenda has been posted in Town Hall, Board Office and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue substantially past 10:30 PM.

Members: Mr. Sullivan, Mr. Miller, Mr. Boyer, Mr. Smith, Mr. Siburn,
Mr. Henry, Mr. Nappi, Mr. Delia and Mr. Sylvester

Mr. Bernstein, Board Attorney

Roll Call:

Clarification of Conditions in Resolution of Approval – Page 4 of Resolution

App.#31-14: Heritage Manor Homes LLC, 154 Hillside Avenue, Bl. 2402, L. 42 (R-15 Zone)
The application for a single-family house to be constructed after demolition of an existing dwelling was approved at the Board of Adjustment meeting on November 13, 2014. The approval was memorialized by resolution which was adopted on December 11, 2014. The applicant and his neighbor will be present to discuss the condition in the resolution dealing with the location of the generator and condenser.

Informal Review of Submitted Application:

App.#10-15: Elizabeth & Horacio Marcos, 124 Rutgers Avenue, Block 1704, Lot 6

Proposed principal one-story addition to a house on a corner lot. Relief is needed from Section 6.1.1B "Schedule of General Regulations" because the addition will not meet the setback requirements along Central Street, an unimproved paper street. Existing nonconforming issues are: setbacks from Rutgers Avenue and Central Street as well as lot width. (R-15 Zone)

Applications for Review:

CARRIED FROM MAY 28, 2015 WITHOUT FURTHER NOTICE :

App.#4-14: Berkeley Heights Realty, Inc., (Enrite gas station), 525 Springfield Ave., Block 611, Lot 7 (HB-3 Zone)

Application for preliminary and final site plan approval with variances for a canopy over the gas station pumps and a kiosk as added accessory structures to the site. The applicant appeared before the Board in 2013 (App.#26-12: Ilya Shlakman), and a Certificate of Prior Nonconforming Status of the gasoline service station and repair garage was granted by the Board of Adjustment.

CARRIED FROM MAY 28, 2015 WITHOUT FURTHER NOTICE:

App.#9-15: 569 Springfield Avenue, LLC, 569 Springfield Ave., Bl.610, L.8 (HB-3 Zone)

The applicant is proposing to demolish an existing single family dwelling and construct one new building containing eight condo units (with four units on the first floor and four units on the second floor). Based on the definitions and intent of the ordinance, such as Section 2.1.1B and Section 6.3.3A.4.C, a use variance in accordance with MLUL 40:55D-70(d)(1) is needed because the ordinance allows certain types of "townhouses" with no more than six attached dwelling units and requires strict adherence to the requirements for townhouse developments. As a result, the proposed building, as designed, is not a permitted use. The applicant also seeks variances for exceeding permitted coverage ratios and driveway width as well as any other variances that may be needed.

Informal Review of Submitted Application:

App.#12-15: Anco Environmental Services, Inc., 40 Russo Place, Bl.1901, L. 40

Anco Environmental Services, Inc. ("Anco") is a company involved in oil tank removal and installation and also operates as a clean-up contractor. The property is also used for vehicle and equipment repair and as a storage yard for equipment. The fuel oil that is removed is retained in a tanker truck at 40 Russo Place and then sold. A company related to Anco is engaged in the cleaning and servicing of oil burners. The owner of the property was cited for noncompliance of Section 17.1.1 – "Use of land without receiving all required permits of approval." A zoning permit was not issued for the current use. The applicant is requesting approval to continue to operate its business – which is not an approved use – and would like to obtain all variances needed (including relief from Sections 17.1.1 "Prohibitions," Section 6.3.6A "Permitted Principal Uses," Section 6.3.6B "Permitted Accessory Uses," Section 6.1.1B "Schedule of General Regulations," Section 6.4.3A.6 "Nuisance Factors," Section 6.4.3B.26., and Section 6.4.3B.48.) There are also accessory structures – such as fuel tanks – on the property that do not comply with the required setbacks and/or permitted accessory uses. (LI-Zone)

Adoption of Minutes:

May 14, 2015

Adjournment:

Connie Valenti, Secretary